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PATENT  
PD-8811FWC

9/14  
#33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )

MICHIO ASAHINA )

Serial No.: 07/780,455 )

Filing Date: October 22, 1991 )

For: SEMICONDUCTOR DEVICE )

ART GROUP UNIT: 2508

EXAMINER: S. Loke

RECEIVED

SEP 10 1992

REQUEST FOR CORRECTION OF OFFICE ACTION  
OR WITHDRAWAL OF FINALITY OF REJECTION

GROUP 250

Honorable Commissioner of  
Patents & Trademarks  
Washington, D.C. 20231

Dear Sir:

We are in receipt of an Examiner's Action dated August 26, 1992 presenting a rejection of the single claim which is presently under examination. On the cover page of that action, the box marked "this action is made final" has been checked, although the body of the action itself does not indicate that the rejection has been made final.

The office action contains a rejection of the single claim under examination on the basis of a newly cited reference.

The office action of August 26, 1992, is the first action on the merits in the present application. The claim under examination is a method claim and the parent to the present application did not include any method claims. Method claim 23 was presented for the first time in this application. The Examiner has already indicated that the invention defined in the claims presented in the parent application is distinct from the claim presently under examination.

Under these circumstances, i.e. a first action on the merits directed to a claim distinct from those presented in the parent application, the rejection could not properly have been made final. It is possible that the notation on the cover page of the action

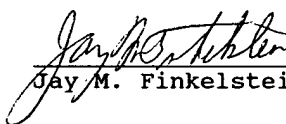
PATENT  
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was an error. In this case, it is asked that the Examiner confirm that the office action does not contain a final rejection.

Alternatively, for reasons advanced above, it is requested that the finality of the rejection presented in that action be withdrawn, as premature.

9/3/92  
Date

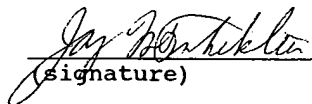
Respectfully submitted,

  
Jay M. Finkelstein, 21,082

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 3, 1992.

Jay M. Finkelstein, Reg. No. 21,082

  
(signature)

9/3/92  
(date)